

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/658473

MARK: HOST HOTELS & RESORT

CORRESPONDENT ADDRESS: .

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GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: HOST HOTELS &
RESORTS, L.P.

CORRESPONDENT'S REFERENCE/DOCKET
NO:

07866.0014

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

Applicant is requesting reconsideration of a final refusal issued/mailed January 29, 2007.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The examining attorney shall briefly discuss applicant's arguments.

1. Applicant argues again that the cited mark is weak and entitled to only a narrow scope of protection

The examining attorney disagrees with this analysis. The mark may be weak for hotel and hospitality services but appears strong for 036 services namely, real estate. For example see the attached search performed by the examining attorney on January 25, 2007 showing only 14 marks utilizing the wording HOST. Only two of these namely the registrant's mark ROYAL HOST and this current application involve real estate services. Applicant's attached registration deal only with class 042, 043 and 045 services.

2. Applicant argues that the cited mark has coexisted with applicants registered marks for years
Once again the examining attorney disagrees. The marks have co-existed in class 042 and 043 for hospitality services not in class 036 for real estate investment services.

3. The Canadian IP Office has allowed the marks to register.

The examining attorney is not bound by this assertion

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

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STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.